

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

VICTOR JULIAN TURNER,

Plaintiff,

v.

TORI RALKEY, et al.,

Defendants.

CASE NO. C20-5472 BHS-DWC

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable David W. Christel, United States Magistrate Judge, Dkt. 24, and Plaintiff Victor Turner’s<sup>1</sup> (“Plaintiff”) objections to the R&R, Dkt. 25.

On July 23, 2020, Judge Christel issued the R&R recommending that the Court deny Plaintiff’s motion for a preliminary injunction because the requested relief is outside the scope of the operative complaint. Dkt. 24. On August 5, 2020, Plaintiff filed objections. Dkt. 25.

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<sup>1</sup> Based on the allegations in the Amended Complaint, Plaintiff is a transgender prisoner and uses a feminine pronoun. Dkt. 8, 10. Plaintiff alleges Mikailah Kay Sweetgrass-Turner is Plaintiff’s legal name, however, all correspondence must be directed to the “commitment name” of Victor Julian Turner. Dkt. 10 at 1.

1 The district judge must determine de novo any part of the magistrate judge's  
2 disposition that has been properly objected to. The district judge may accept, reject, or  
3 modify the recommended disposition; receive further evidence; or return the matter to the  
4 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

5 In this case, Plaintiff argues that the requested relief in the motion for a  
6 preliminary injunction is related to the claims in the amended complaint because she  
7 seeks an injunction preventing certain defendants from making decisions regarding her  
8 housing location. Dkt. 25 at 2. Even if Plaintiff established some relationship between  
9 the motion and her claims, the motion for preliminary relief fails because she has failed to  
10 establish immediate harm in the absence of the requested relief, which is a necessary  
11 element of preliminary relief. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008).  
12 Plaintiff's motion is based on speculation that certain defendants will change her housing  
13 assignment for some unknown reason during the pendency of this proceeding. Dkt. 8. In  
14 the absence of a legitimate threat to reassign Plaintiff or an actual reassignment, Plaintiff  
15 has failed to establish that any relief is warranted. Therefore, the Court having  
16 considered the R&R, Plaintiff's objections, and the remaining record, does hereby find  
17 and order as follows:

18 (1) The R&R is **ADOPTED**; and

19 (2) Plaintiff's Motion, Dkt. 8, is **DENIED**;

20 Dated this 21st day of September, 2020.

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BENJAMIN H. SETTLE  
United States District Judge